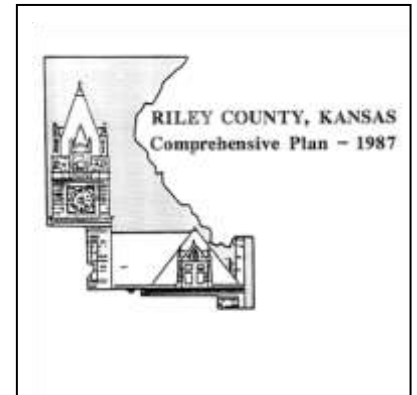


Chapter 1: Plan Introduction

VISION 2025 OVERVIEW

VISION 2025 – A Comprehensive Plan for Riley County is an initiative of the County to provide a definitive guide for the future development of the unincorporated areas to the year 2025. This Comprehensive Plan updates and replaces the most recent plan, adopted in 1987, which had been amended on occasion since then to reflect the changing needs and aspirations of the area. This updated Comprehensive Plan incorporates the 2003 Manhattan Urban Area Comprehensive Plan (MUACP), a City of Manhattan and Riley County jointly adopted plan for the established Urban Area surrounding the City of Manhattan. Figure 1.1 illustrates the MUACP in relationship to the entire County. Figure 1.2 is a more detailed view of the MUACP area.



VISION 2025 addresses a number of important land use issues facing Riley County and establishes a framework to guide decisions about where development should take place. Riley County is poised for growth as the City of Manhattan population figures top the threshold for obtaining the designation of a “metropolitan area” (a designation given to urbanized areas with a population of 50,000 or more). While most of the population growth through the year 2025 is anticipated to occur in the urban area of the City of Manhattan and within the smaller cities in Riley County, there is expected to be a continued desire by property owners to build homes in the unincorporated areas of Riley County. How County officials accommodate the demand for rural, non-farm housing, while also protecting environmental resources and agricultural production, is a key concern of this plan.



Figure 1.1—Riley County with Urban Area Plan Boundary

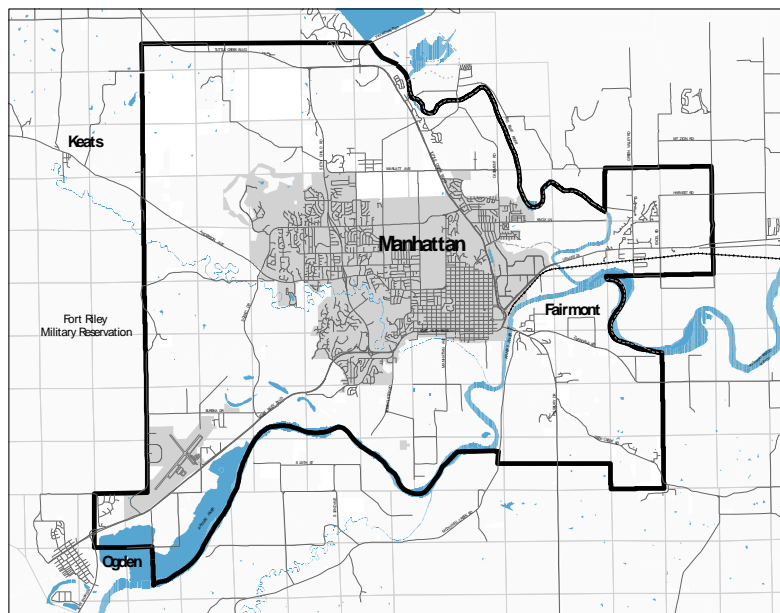


Figure 1.2—Manhattan Urban Area Comprehensive Plan: Planning Area

PLAN PURPOSE

Riley County is composed of a variety of physical, environmental and social elements. The Plan identifies these elements and their relationships. The Plan begins with a review of existing conditions and continues through forecasts of anticipated changes. Once the changes and their impacts are understood, the Plan can be used to establish the framework with which to coordinate change in the best interest of the County as a whole.

Thus, the Plan is a guidebook; an aid for reviewing or initiating change. It is an attempt at placing all aspects of the County in perspective while establishing the principles and policies necessary for sound, logical decision-making.

The Plan will, therefore, be the principal reference used when considering zoning, subdivision plats, development and major improvement items. By clarifying the facts and the attitudes within the County, it will allow the County leadership to wisely derive answers to complicated questions.

PLAN FOCUS

Riley County's emphasis for unincorporated area land use is primarily preserving agriculture. The intent and focus of VISION 2025 is not to regulate agricultural land uses, but to support and preserve opportunities for a sustainable farm economy, while ensuring opportunities for industrial,



commercial, and residential components of municipal economies to grow and expand.

The Plan promotes “balanced economic growth”, the goal being the creation of a balance between growth and the protection of natural resources. The heritage of Riley County is one of stewardship of the land. Conservation principles advanced by landowners must ensure that natural resources (land, air, water, energy and biodiversity) are available for long-term social, economic and environmental benefits. Preservation of the environment begins with the individual; yet, government and institutions can play a key role in protecting, conserving and restoring natural resources in the County. Conserving the County’s rural areas is integral to the continuation of farming, ranching, protection of environmental quality and wildlife habitat, and maintaining a link to Riley County’s heritage.

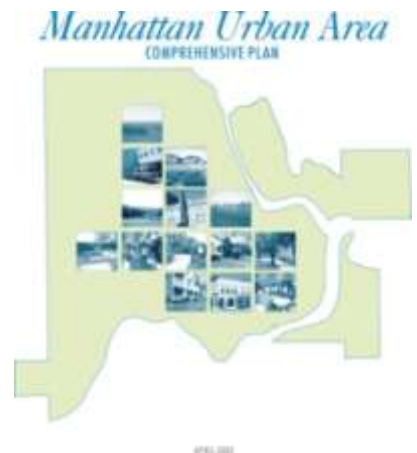


Strong leadership is required for Riley County to enhance its opportunities for economic development and ensure that workers and families are retained and attracted to the County. This includes partnership building with municipalities, communication and outreach between local and county government and state and federal agencies, between the public sector and private sector development community, and with citizens, civic, and environmental groups. For its part in this process of collaborative decision-making, VISION 2025 seeks to create a sustainable vision for the future and promote sensible land use.



PLAN ORGANIZATION

VISION 2025 – A Comprehensive Plan for Riley County has been prepared in coordination with the 2003 Manhattan Urban Area Comprehensive Plan, which is included herein as part of VISION 2025. Certain elements of VISION 2025, such as Existing Land Use, Environment and Natural Resources, Future Land Use (with the exception of an area for projected long-term urban growth north of Manhattan) and Goals, Objectives and Policies, apply only to the unincorporated area of the County, excluding the area within the Manhattan Urban Area Comprehensive Plan. Other Plan elements, such as Demographic Context, Commercial and Industrial Development, Residential, Public Facilities and Services, and Transportation, apply to the County as a whole.



PLAN HORIZON

VISION 2025 is intended to provide policy guidance for approximately the next 20 years.

HOW TO USE THE PLAN

This document is the Comprehensive Plan for the County of Riley, adopted pursuant to K.S.A. 12-747, and is the official policy guide for future land use decisions in unincorporated Riley County. The area covered by the Plan is within the jurisdiction of the Riley County Planning Board and the Riley County Board of Commissioners. The written goals, objectives and policies, along with the Development Guidance System and Future Land Use map, provide guidance for decisions affecting rural growth, the use and development of land, preservation of agricultural land and natural resources, and the expansion of public facilities and services. The chapters and maps contained in the Comprehensive Plan are interrelated and should not be used independently from other adopted elements of the Comprehensive Plan. The Comprehensive Plan consists of both written policy recommendations and maps, which should be used together when making decisions. It is also recognized that this document must be reviewed annually by the Riley County Planning Board and Board of County Commissioners and revised, as needed, to reflect changing conditions and the changing aspirations of the citizens of Riley County.



PLANNING AND PROPERTY RIGHTS

The Fifth Amendment to the United States Constitution generally states that private property must not be taken for public use without just compensation. Simply defined, a taking occurs when a public agency either condemns property to build public projects (also referred to as eminent domain) or physically occupies or damages property. In the case of a government regulatory action (such as zoning), a "regulatory taking" is considered to be an action that so interferes with the use of private property that it has the same effect as a physical appropriation. In most cases, the test of whether an action is a taking is whether the regulation denies an owner all economically viable use of the property. It is important to note that the courts have been very clear on this last issue; a taking does not occur simply because a regulatory action may impose limits on the use of property. The Takings Clause is often misconstrued as a prohibition against any regulation that either decreases property value or prohibits individuals from "doing what they want with their land". A loss of potential market value is not enough to trigger a takings claim.



Guidelines for Regulatory Actions

When considering regulatory actions, Riley County elected and appointed officials may want to consider the following guidelines to determine whether a proposed action may be found to be a "taking". In all cases, the County Counselor or

other appropriate legal counsel should be sought when there are concerns about a potential takings claim.

1) *Does the regulation or action result in a permanent or temporary physical occupation of private property?*

Regulation or action resulting in a permanent or temporary physical occupation of all or a portion of private property will generally constitute a “taking”.

2) *Does the regulation or action require a property owner to dedicate a portion of property or to grant an easement?*

Project-specific dedications of land or easements that are individually bargained for between a public agency and a developer may become a taking when the purpose of the dedication is not sufficiently related to the project being developed (the “nexus” requirement) and the total cost or amount of the condition is not proportional to the impact of the project (the “rough proportionality” requirement). The dedication of property must be reasonably and specifically designed to prevent or compensate for adverse impacts of the proposed development.

3) *Does the regulation deprive the owner of all economically viable use of the property?*

If a regulation prohibits all economically viable or beneficial uses of land, it may constitute a “taking”. In this situation, the County can avoid liability for just compensation only if it can demonstrate that the proposed uses are prohibited by the laws of nuisance or other pre-existing limitations on the use of the property.

Unlike one and two above, it is important to analyze the regulation’s impact on the property as a whole, and not just the impact on a portion of the property. It is also important to assess whether there is any economically viable use of the remaining property available. The remaining use does not have to be the owner’s planned use, a prior use, or the highest and best use of the property.

4) *Does the regulation substantially advance a legitimate governmental purpose?*

A regulation may go too far and may result in a takings claim where it does not substantially advance a legitimate governmental purpose.